

REMARKS

Claims 1 and 18 have been amended. Claims 6 and 20 have been canceled. No new matter has been added. Thus, claims 1 - 5, 7 - 19 and 21 - 24 remain pending in this application. In view of the above-noted amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

Claims 1 - 5, 7 - 8, 11 - 13, 18 - 19, 21 and 23 stand rejected under 35 U.S.C. § 102(b) or alternatively, under 35 U.S.C. § 103(a) as anticipated by U.S. Patent No. 5,125,893 to Dryden. ("Dryden").

Amended claim 1 recites a connector for injecting fluid to a catheter, comprising "an attachment portion adapted to fluidly couple to a source of pressurized fluid" and "a bypass element fluidly connected to the attachment portion, the bypass element being adapted to open a valve of the catheter and to introduce fluids into the catheter distally of the valve" in combination with "an overpressure control element adapted to maintain a pressure of fluid within the connector below a predetermined threshold level, *wherein the overpressure control element is configured to permit flow therepast only when the pressure within the connector exceeds the predetermined threshold level.*" Support for the amendment to claim 1 can be found in paragraphs [0012], [0022], [0024]-[0025] of the Specification. Specifically, embodiments of the present invention are directed to overpressure control elements such as the spring loaded relief valve 306 or the failure element 304, the overpressure control elements being configured to spring back or rupture to permit fluid flow therepast when a pressure within the attachment portion exceeds the threshold level. (See Specification, ¶ [0012], [0022], [0024]-[0025]; Figs. 1, 2, 4).

It is respectfully submitted that nothing in Dryden meets the limitation of or is capable of meeting the limitation of "an overpressure control element adapted to maintain a pressure of fluid within the connector below a predetermined threshold level, *wherein the overpressure control element is configured to permit flow therepast only when the pressure within the connector exceeds the predetermined threshold level,*" as recited in claim 1. The Examiner has analogized the valve 35 of Dryden to the overpressure control element of claim 1. However, it is respectfully submitted that neither the valve 35 nor any other element in Dryden is "configured

to permit flow therepast only when the pressure within the connector exceeds the predetermined threshold level,” as recited in claim 1. Rather, the valve 35 is only configured to control an amount of irrigation fluid supplied to the catheter 28. (See Dryden, col. 2, ll. 55 - 56). Specifically, the valve 35 is provided with a manual on/off functionality, wherein a user of the device of Dryden opens the valve 35 to flow only when suctioning is concurrently applied via the valve 36 to prevent the buildup of any pressure within the catheter 28. (See Dryden, col. 1, ll. 39 - 44; col. 2, ll. 55 - 56). Opening and closing of the valve 35 of Dryden depends only on whether or not suctioning is being provided in accordance with a particular procedure and is in no way related to a pressure present within the catheter 28. The overpressure control element of claim 1, on the other hand, is configured “to permit flow therepast only when the pressure within the connector exceeds the predetermined threshold level.” Furthermore, since the valve 35 of Dryden itself control the flow of fluid *into* the lumen 29, there is no conceivable way that the valve 35 could only permit flow therepast when the pressure within the lumen 29 exceeds a threshold level. It is therefore respectfully submitted that Dryden fails to teach or suggest any element that is configured to permit flow therepast only when the pressure within the connector exceeds the predetermined threshold level,” as recited in claim 1 and that claim 1 is allowable for at least this reason.

It is further submitted that the valve 36 of Dryden also fails to overcome the limitation of an overpressure control element “configured to permit flow therepast when the pressure within the connector exceeds the predetermined threshold level,” as recited in claim 1. Specifically, as discussed above, the valve 36 is actuated by a user of the device of Dryden to apply a vacuum when a fluid is being supplied by the fluid supply 12 past the valve 35. (See Dryden, col. 1, ll. 39 - 44; col. 2, ll. 45 - 56). Dryden does not teach or suggest a valve 36 that applies a vacuum in response to a pressure within the catheter 28. It is therefore respectfully submitted that the valve 36 also fails to meet the above-recited limitations of claim 1.

The Examiner has further asserted that it would have been obvious to have constructed the valve 35 as a pressure control element as claimed. (See 4/28/09 Office Action, pp. 3 - 4). However, it is respectfully submitted that Dryden provides no basis to modify its device to include “an overpressure control element,” as recited in claim 1. Specifically, the device of Dryden is directed to introduce fluid through the valve 35 simultaneously as suctioning occurs past the valve 36 in order to dilute the lung secretions being suctioned. (See Dryden, col. 1, ll.

39 - 44). It is therefore evident that Dryden teaches away from a device where a fluid pressure can build up therewithin since fluid is only supplied in unison with a fluid withdrawal via the suction machine 13. (*Id.*, *See Also* col. 2, ll. 45 - 56). Furthermore, modifying the device of Dryden to meet the recited limitation of claim 1 would be detrimental thereto. Specifically, since Dryden is explicitly directed to a device wherein a buildup of pressure within the catheter 28 and the body is to be avoided, employing a valve 35 or 36 that only permits flow therepast when a predetermined pressure condition has been met would prevent the continuous flow of fluids therethrough and actually work to *create* an overpressure condition. (*Id.*) It is therefore submitted that the device of Dryden is incapable of being modified to meet the recited limitation of claim 1.

It is respectfully submitted that Dryden fails to teach or suggest “an overpressure control element adapted to maintain a pressure of fluid within the connector below a predetermined threshold level, *wherein the overpressure control element is configured to permit flow therepast only when the pressure within the connector exceeds the predetermined threshold level,*” as recited in claim 1 and that claim 1 is allowable over Dryden. Because claims 2 - 5, 7 - 8 and 11 - 13 depend from and, therefore, include the limitations of claim 1, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

Amended claim 18 recites limitations substantially similar to amended claim 1, including “a pressure control element adapted to limit a fluid pressure within the coupler to a predetermined threshold level, *wherein the pressure control element is configured to permit flow therepast only when the pressure within the coupler exceeds the predetermined threshold level.*” It is therefore respectfully submitted that claim 18 and its dependent claims 19, 21 and 23 are therefore allowable over Dryden.

Claims 9 - 10, 22 and 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Dryden in view of U.S. Patent No. 6,375,637 to Campbell et al. (“Campbell”).

Claims 9 - 10 depend from and therefore include all of the limitations of claim 1. Claims 22 and 24 depend from and therefore include all of the limitations of claim 18. As noted above, Dryden fails to teach or suggest the limitations of claims 1 and 18. Campbell fails to overcome the deficiencies of Dryden. It is therefore submitted that Dryden and Campbell, either alone or

in combination, fail to teach or suggest the limitations of claims 1 and 18. Claims 9 - 10, 22 and 24 are therefore allowable as being dependent on allowable base claims.

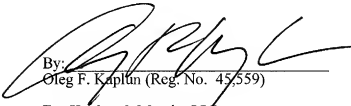
Claims 14 - 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Dryden.

Claims 14 - 17 depend from, and therefore include all of the limitations of claim 1. As noted above, Dryden fails to teach or suggest the limitations of claim 1. Thus, it is respectfully submitted that claims 14 - 17 are allowable for at least the same reasons stated above in regard to claim 1.

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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